



09-06-08

Application No. 09/540,235  
Dane K. Fisher et al.

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re applications of:

Dane K. Fisher et al.

Appln. No.: 09/540,235

Filed: April 3, 2000

For: Nucleic Acid Sequences from  
Cyanidium caldarium and Uses Thereof

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 38-21(15749)B

**Response to Notice to File Missing Parts of Nonprovisional Application**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted dated April 3, 2000, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of Notice to File Missing Parts of Nonprovisional Application - mailed on July 7, 2000;
2. Copy of receipt postcard filed on April 3, 2000, with Patent and Trademark Office date-stamp of April 3, 2000;
3. Substituted original Declaration and Power of Attorney, executed by inventor Dane K. Fisher (3 pages);
4. Substituted original Declaration and Power of Attorney, executed by inventor Raghunath V. Lalgudi (3 pages); and
5. a return-receipt prepaid postcard.

It is respectfully requested that the attached prepaid postcard be stamped with the date of filing of these documents, and that it be returned as soon as possible.

The Notice to File Missing Parts of Nonprovisional Application stated that the oath or declaration was missing. Applicants respectfully submit that this assertion is in error.

On April 3, 2000, the filing date of the above-identified application, applicants submitted: (1) original Declaration and Power of Attorney, executed by inventor Dane K. Fisher (3 pages) and (2) original Declaration and Power of Attorney, executed by inventor Raghunath V. Lalgudi (3 pages). Receipt of this submission is clearly noted on the enclosed copy of the return-receipt postcard containing the PTO date-stamp of April 3, 2000. Applicants submit that they have filed the original declarations and all other required items.

Applicants are submitting, however, for your convenience, a substituted original Declaration and Power of Attorney, executed by inventor Dane K. Fisher (3 pages) and a substituted original Declaration and Power of Attorney, executed by inventor Raghunath V. Lalgudi (3 pages), in response to the Notice. Please charge our Deposit Account No. 13-4125 in the amount of \$130.00 covering \$130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16).

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 13-4125. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 13-4125. A duplicate copy of this Response is enclosed.

Respectfully submitted,

*Lawrence M. Lavin, Jr.*

Lawrence M. Lavin, Jr.  
(Reg. No.: 30768)

Date: September 5, 2000

*by*

*Jim Shayskow*

Patent Department, E2NA  
Monsanto Company  
St. Louis, MO 63167  
Tel: 314-694-3602  
Fax: 314-694-1671

*Reg. No. 41,422*



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Washington, DC 20231

**Certificate of Mailing**

I hereby certify that this copy of receipt postcard filed on April 3, 2000, with Patent and Trademark Office date-stamp of April 3, 2000, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 Label No. EK016827236US on the date indicated and is addressed to:

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, DC 20231

on Sept. 5, 2000

Jian S. Zhou (Reg. No. 41,422)  
(Printed name of person signing this certificate)

  
(Signature)



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Washington, DC 20231

**Certificate of Mailing**

I hereby certify that this substituted original Declaration and Power of Attorney, executed by inventor Raghunath V. Lalgudi (3 pages), is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 Label No. EK016827236US on the date indicated and is addressed to:

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Washington, DC 20231

on Sept. 5, 2000

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(Printed name of person signing this certificate)

  
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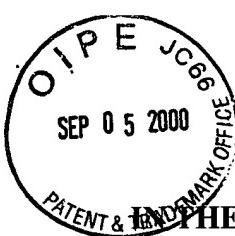
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Washington, DC 20231

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(Signature)



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Assistant Commissioner for Patents  
Washington, DC 20231

on Sept. 5, 2000

Jian S. Zhou (Reg. No. 41,422)  
(Printed name of person signing this certificate)

  
(Signature)

## FORMALITIES LETTER



\*OC00000005225670\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/540,235	04/03/2000	Dane K. Fisher	38-21(15749)B

Lawrence M Lavin Jr. Esq  
Monsanto/GD Searle  
Patent Department Central  
P O Box 5110  
Chicago, IL 60680-5110

Date Mailed: 07/07/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

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*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09/11/2000 GTEFFERA 00000103 134125 09540235

01 FC:105 130.00 CH



Jian Zhou  
Monsanto Company  
800 N. Lindbergh Boulevard  
Mail Zone N2NB  
St. Louis, Missouri 63167

Atty. Ref.: 38-21(15749)B  
Date: April 3, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dane K. FISHER *et al.*

Art Unit: To Be Assigned  
Examiner: To Be Assigned

Serial No.: To Be Assigned

Filing Date: April 3, 2000

Title: Nucleic Acid Sequences from *Cyanidium caldarium* and Uses Thereof

Assistant Commissioner for Patents  
Washington, DC 20231

*Attn: Box Patent Application*

Sir:

Please place the U.S. Patent & Trademark Office receipt stamp hereon to acknowledge receipt of the following:

1. Transmittal Letter to the Assistant Commissioner for Patents;
2. Utility Patent Application Transmittal (PTO/SB/05);
3. Form PTO-1082 (in duplicate)
4. U.S. Utility Patent Application (1 box consisting of 86 pages of description prior to the claims; 2 pages of claims (11 claims); a 1 page abstract; and 2,451 pages of a sequence listing);
5. A CD-ROM containing the sequence listing;
6. Statement Regarding Sequence Submission;
7. Original Decl'n & Power of Atty., executed by inventor Dane K. Fisher (3 pages);
8. Original Decl'n & Power of Atty., executed by inventor Raghunath V. Lalgudi (3 pages);
9. Information Disclosure Statement;
10. Form PTO-1449 (1 page), with 8 accompanying documents; and
11. Two (2) return postcards.

jc525 U. S. PTO  
09/540235

04/03/00

Return file to: Kathi Moore (411A)